IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.MC.No. 932 of 2004

CC.21/1999 of CHIEF JUDICIAL MAGISTRATE, KALPETTA

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PETITIONERS/ACCUSED:

1. LOHITAKSHAN, VANASREE,
   PADINJAREKKARA, AJUNOOR VILLAGE,
   P.O.VANIKKUNNU, KANJANGADU, KASARGODE.

2. KRISHNADAS, CHALUKKIL, P.O. KAKKODI,
   KOZHIKODE.

3. RAVEENDRAN, KARTHIKA HOUSE,
   CHATHAMANGALAM P.O., KOZHIKODE.

4. MURALEEDHARAN, PANNISSERY,
   ARYAD NORTH P.O., ALAPPUZHA.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS/COMPLAINANTS:

1. ELSI W/O. THANKACHAN,
   KALLADI HOUSE, PUTHUMALA P.O.,
   VYTHIRI TALUK, KANNOOR DISTRICT.

2. THANKACHAN, S/O. JOSEPH, DO. DO.

3. STATE OF KERALA, REP.BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA.

R3 BY PP SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/08/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 932 of 2004

ORDER

Petitioners are accused in C.C.No.21/99 on the file of the Chief Judicial Magistrate's Court, Kalpetta. This Crl.M.C. was filed as early as on 5.4.2004 seeking for an order quashing all further proceedings in C.C.No.21/99 aforesaid. However, the petitioners have not moved this matter nor obtained orders yet. Along with the Crl.M.C. the only record that is produced is Annexure A1 charge framed by the Chief Judicial Magistrate against the petitioners for offences under Sections 341, 323, 324 and 506(1) IPC read with Section 149 thereof. Without the final report and the records furnished by the prosecution there with, this Court is unable to consider the prayer to quash the proceedings, sought for in this Crl.M.C. on the ground that the case is hit by the bar under Section 468(1) Cr.P.C.

In the result, I dismiss this Crl.M.C.

9th August, 2007 (K.P.Balachandran, Judge)

tkv